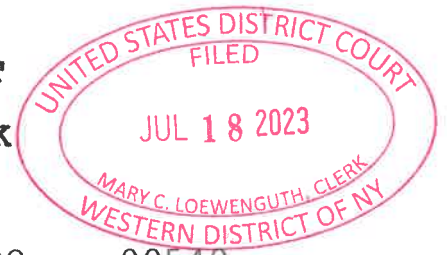


1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF NEW YORK



Rachel Eckert,
Plaintiff,
vs.
City of Buffalo, et al,
Defendant.

Case No.: 1:22-cv-00540

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4 **PLAINTIFF'S RICO STATEMENT**
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I. INTRODUCTION

Plaintiff moves this Court to label the City of Buffalo, the State of New York, and the County of Erie criminal enterprises involved in enterprise corruption, and to label the individual Defendant's named in this suit as an association in-fact enterprise. Plaintiff alleges the City of Buffalo, the State of New York, and Erie County, through their agents, employees, and/or servants participated in the following offenses under RICO: conspiracy to violate the Hobbs Act, evidence tampering, extortion, fraud, obstruction of justice, public corruption, and victim/witness intimidation. This unlawful conduct violates 18 U.S.C. § 1961 and 18 U.S.C. § 1962 (c), and (d).

These prohibited acts are continuous and interrelated, meant to harass, intimidate, and injure the Plaintiff, both personally and professionally, which affected interstate commerce. The members of the enterprises intended to commit these acts knowing they were illegal. Plaintiff alleges the common interest of each enterprise was to deprive her of her rights and property.

II. BACKGROUND

Plaintiff commenced this instant action seeking relief for ongoing violations of her Constitutionally protected rights. Since the filing of this suit, Plaintiff has suffered further injury by officers of

the City of Buffalo and Erie County. Plaintiff feared this behavior would get worse after filing this suit and asked for immediate relief by way of injunction. See Amd. Compl. ¶ 1.

III. ARGUMENT

RICO

18 U.S.C. § 1962 (C)

The Plaintiff avers the allegations contained in the preceding paragraphs, the Second Amended Complaint, and Second Amended Timeline, and incorporates them as if set forth at length herein.

The Defendants, April Baskin ("BASKIN"), Frank BiFaro ("BIFARO"), Byron Brown ("BROWN"), James Comerford ("COMERFORD"), Timothy Curtin ("CURTIN"), Corey Dixon ("DIXON"), Michael Farley ("FARLEY"), Melissa Kurdziel ("KURDZIEL"), Carolette Meadows ("MEADOWS"), Sean Myers ("MYERS"), Jeff Rinaldo ("RINALDO"), Jacob Salazar ("SALAZAR"), and Denise Walden ("WALDEN") (collectively, the "RICO Defendants") are all "persons" within the meaning of 18 U.S.C. § 1961(3) and make up the association in-fact enterprise.

The Buffalo Common Council Enterprise ("BCC"), City of Buffalo Enterprise ("BUFFALO"), County of Erie Enterprise ("ERIE"), and State of New York Enterprise ("NEW YORK") are all "persons" within the meaning of 18 U.S.C. § 1961(3). See, e.g. *United States v. Parise*,

159 F.3d 790, 795 (3d Cir. 1998); *United States v. McDade*, 28 F.3d 283, 295-96 (3d Cir. 1994).

The RICO Enterprise(s)

At all relevant times, the RICO Defendants conducted the affairs of an association in-fact enterprise (the "Enterprise") within the meaning of 18 U.S.C. § 1961(4). The association in-fact Enterprise collaborated with the BCC, BUFFALO, ERIE, and NEW YORK Enterprises with the common goal of injuring the Plaintiff.

It is well-established in law, that "the existence" of an association-in-fact is oftentimes more readily proven by 'what it **does** rather than by abstract analysis of its structure';" and that proof of various racketeering acts may establish the existence of the enterprise. *United States v. Coonan*, 938 F.2d 1553, 1559-61 (2d Cir. 1991) cert. denied, 503 U.S. 941 (1992). See also *United States v. Jones*, 455 F.3d 134, 144-45 (2d Cir. 2006).

The members of the Enterprise are a group of persons associated together for the common purpose of carrying on an ongoing enterprise; specifically, the Enterprise(s) had a common, unlawful and unconstitutional goal of corruptly and wrongfully violating Plaintiff's right to life, liberty, and property, impeding her ability to access the courts, and otherwise sabotaging her professional career

104 through deceptive, criminal, and fraudulent means. The
105 actions undertaken by the RICO Defendants in
106 furtherance of this goal were intended to inflict the
107 type of injury and harm suffered by the Plaintiff (the
108 "victim").

109 The Enterprise(s) were formed as early as March
110 2020, when MEADOWS first deprived the victim of her
111 property rights and began conspiring with BUFFALO,
112 ERIE, and NEW YORK through their agents, employees,
113 servants, and/or officers, and remains ongoing and
114 continuing to this present day.

115 At all relevant times, the Enterprise(s) has had a
116 longevity sufficient to permit the RICO Defendants to
117 pursue the Enterprise's purpose. Indeed, the
118 Enterprise's conduct remains ongoing as the RICO
119 Defendants continue to perpetuate their fraudulent
120 scheme by spreading disinformation, harmful lies, and
121 false narratives concerning the Plaintiff in
122 furtherance of their attempts to damage her reputation.
123 In addition, given the fact MEADOWS is well connected
124 and has family working for the BUFFALO and NEW YORK
125 Enterprise's, such as JSC Jeannette Ogden and Ada
126 Hopson-Clemons, there is significant likelihood that
127 the Enterprise's racketeering conduct will repeat in
128 the future, including but not limited to, obstruction
129 of justice.

130 The Enterprise(s) is, and at all relevant times
131 was, a continuing unit(s) that functioned with a common
132 purpose and had an ascertainable structure for carrying
133 out its objectives. The Enterprise(s) has been
134 structured to operate as a continuing unit(s) to
135 accomplish the common goals and purposes of its scheme.

136 At all relevant times, each of the RICO Defendants
137 were aware of each other's conduct in furtherance of
138 the scheme and were knowing and willing participants in
139 that conduct. The RICO Defendants had communications
140 amongst themselves for the purpose of orchestrating,
141 coordinating, and carrying out their unlawful actions.

142 Since the Enterprise(s) activities had a
143 significant impact on the victim's business, the
144 Enterprise(s) affected interstate commerce.

145 Plaintiff asserts the City of Buffalo is its own
146 separate enterprise.

147 Plaintiff asserts the County of Erie is its own
148 separate enterprise.

149 Plaintiff asserts the Buffalo Common Council is its
150 own separate enterprise.

151 Plaintiff asserts the State of New York is its own
152 separate enterprise made up of members of the Erie
153 County Supreme Court including Mark Grisanti, Donna
154 Siwek, Catherine Nugent-Panepinto, and Jeanette Ogden.

155 Plaintiff asserts the members of the association-
156 in-fact have various relationships between them and

157 with members of the BCC, BUFFALO, ERIE, and NEW YORK
158 Enterprises. For ex. MEADOWS is the cousin of JSC
159 Jeannette Ogden and WALDEN is claimed to be the sibling
160 of MEADOWS. Plaintiff asserts MEADOWS provides
161 political career services to BROWN, BASKIN, and other
162 non-party politicians. RICO Defendant's BROWN, BIFARO,
163 DIXON, FARLEY, & RINALDO are agents of BUFFALO and
164 members of the association-in- fact. RICO Defendant's
165 MEADOWS and WALDEN were agents of BUFFALO and are
166 members of the association-in-fact-enterprise. RICO
167 Defendant BASKIN is an agent of ERIE and a member of
168 the association-in-fact. The Defendants share the same
169 social relationships and affiliations in groups like
170 the Erie Co. Democratic Committee, Grassroots of
171 Buffalo, Unity Coalition Inc, the Working Family
172 Parties, The Buffalo School Board, and several others.
173 This type of involvement and activism by MEADOWS
174 threatens public trust in the courts and our democracy.
175 MEADOWS was a member of the Erie County Democratic
176 Committee and plays an active role in political
177 organizations. MEADOWS ran BROWN'S social media
178 campaign and illegally sat on the Masten District
179 Assembly which BCC was aware of.

180 The inability of a corporation to operate except
181 through its officers is not an impediment to § 1962(c)
182 suits.

183 PREDICATE ACTS

184 Section 1961(1) of RICO also provides that
185 "racketeering activity" includes any act indictable
186 under 18 U.S.C. § 1343 (related to wire fraud); 18
187 U.S.C. § 1503 (related to obstruction of justice); 18
188 U.S.C. 18 U.S.C. § 1509 (related to obstruction of
189 justice); § 1512 (related to obstruction of justice);
190 and 18 U.S.C. § 1951 (relating to interference with
191 interstate commerce). As set forth herein, in
192 furtherance of their scheme to harm the Plaintiff, her
193 reputation and business, the RICO Defendants engaged in
194 numerous acts in violation of 18 U.S.C. § 1343, 1503,
195 1509, 1512, and 1951.

196 Each RICO Defendant has conducted and participated
197 in, directly or indirectly, the management, conduct,
198 and/or operation of the Enterprise(s) and its affairs
199 affairs through a pattern of racketeering activity
200 including acts indictable under 18 U.S.C. § 1343, 1503,
201 1509, 1512, and 1951.

202 The RICO Defendants have consistently and regularly
203 committed acts of racketeering activity spanning from,
204 at least, March 2020 through, at a minimum, January 11,
205 2023. These multiple acts shared a common or related
206 purpose, goal, result, participants, victims, and
207 methods of commission.

208 Beginning on or around March 28, 2020, the RICO
209 Defendants engaged in a wide-ranging scheme to
210 unlawfully steal the Plaintiffs property and deprive

her of her constitutional right to life, liberty, and property.

Beginning on or around May 23, 2020, the RICO Defendants engaged in a wide-ranging scheme to concoct a false narrative that the Plaintiff was racist and assaulted MEADOWS.

The RICO Defendants, through their deceptive and illegal conduct intended to mislead law enforcement, the media, and the public at large through the spread of disinformation and fraudulent claims; to unlawfully obtain confidential and sensitive data that could be falsified and weaponized against Plaintiff; and to obstruct and falsely provoke criminal investigations against the Plaintiff.

In furtherance of this scheme, the Defendants committed multiple related acts, each of which constitutes an act of racketeering activity, and which, collectively, constitute a pattern of racketeering.

RICO COUNT I

18 U.S.C. § 1343

Wire Fraud

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any

writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be fined under this title.

A scheme to defraud includes any plan to deprive a person of something of value by trick, deceit, chicanery or overreaching, including through affirmative misrepresentations, material omissions of fact, or any deceptive or dishonest behavior.

As described herein, the Enterprise(s) engaged in a calculated scheme to defraud the public for the purpose of proliferating a false narrative of assault and racial motives against the Plaintiff. The Enterprise(s) further engaged in a scheme to defraud law enforcement for the purpose of having the Plaintiff falsely arrested and maliciously prosecuted, on three separate occasions.

Additionally, the Enterprise(s) engaged in a calculated scheme to defraud the Plaintiff of money and property by means of fraudulent pretenses and misrepresentations.

Plaintiff was the intended target of the fraudulent scheme; in committing the acts of wire fraud described *infra*, the RICO Defendants sought to mislead others (journalists, reporters, law enforcement officials, public at large, etc.) as a means of depriving Plaintiff of tangible and/or intangible property, including, without limitation, causing loss of business

265 reputation, loss of goodwill, and/or loss of
266 contractual relations.

267 As a direct and proximate result of the RICO
268 Defendants' actions, Plaintiff did in fact suffer said
269 injuries and/or deprivation of said property.

270 As part of and in furtherance of the scheme, the
271 RICO Defendants made repeated use of, or caused their
272 agents, representatives, and/or subordinates to
273 repeatedly make use of, the interstate wires to
274 transmit various documents and/or communications.

275 Each separate use of the interstate wire facilities
276 employed by the RICO Defendants was related, had
277 similar intended purposes, involved similar
278 participants and/or targets, utilized similar
279 techniques and methods of execution, and negatively
280 affected the same victim- the Plaintiff.

281 Many of the precise dates of the RICO Defendants'
282 use of the interstate wire facilities have been, and
283 continue to be, concealed by the RICO Defendants and
284 therefore are not knowable at the present time.
285 Knowledge of the Enterprise(s) fraudulent acts is
286 peculiarly within the RICO Defendants control.

287 In spite of her diligent efforts, Plaintiff does
288 not, and cannot, know the full extent of the
289 Enterprise(s) fraudulent scheme. At a minimum, however,
290 the RICO Defendants' use of interstate wire facilities

to perpetuate their unlawful scheme include the following:

a. March 31, 2020, CURTIN and MYERS called A-District Buffalo Police Dept and told RT Wojtanik to arrest the Plaintiff if she removes any structures off her property or if she attempts to gain access to the Northside of her home

b. May 12, 2020, BIFARO emailed MEADOWS cc'ing members of BCC "If your neighbor relocates the vent termination to the rear of your house, will you drop your complaint against her?" Ultimately, Plaintiff respectfully declined and BIFARO then extorted her to relocate the vent. The Plaintiff refused to do anything without a valid court order.

c. May 23, 2020, an unknown agent of BUFFALO, believed to be Candace Craig, falsely docked a 911 call that "ANOTHER CALL...FEMALE CALLER SAID NEIGHBORS ARE ATTACKING EACH OTHER...NO WEAPONS SEEN". The 911 calls discovered from a criminal case file do not collaborate with the statement made by Ms. Craig. Plaintiff asserts this was done to further the Enterprise(s) agenda. To protect MEADOWS, employees of the Enterprise(s) made misleading statements and wrote false narratives to cover up their crimes and to

317 further perpetuate the conspiracy against the
318 Plaintiff.

319 d. November 10, 2020, BCC recording a live interview
320 with MEADOWS, published to their social media
321 page on Facebook. This interview was to give
322 MEADOWS a platform to publicly defame the
323 Plaintiff and further push MEADOWS false
324 narratives to continue the scheme against the
325 Plaintiff.

326 e. December 05, 2020, James Reese, an agent with
327 BUFFALO signed an "Information/Complaint" against
328 the Plaintiff charging her with assault in the
329 third degree. The officer in charge of a case is
330 the officer with the most knowledge of the events
331 leading to the arrest. DIXON was the first
332 officer on the scene and had the most interaction
333 between the parties and the witnesses. Plaintiff
334 asserts Mr. Reese falsely signed the complaint to
335 further the conspiracy against the Plaintiff.

336 f. April 30, 2021, the RICO Defendants introduced a
337 statement into evidence the Plaintiff made when
338 she was in custody and under interrogation on May
339 23, 2020. The Plaintiff was not read her Mini
340 Miranda Rights. Plaintiff asserts this written
341 introduction was to further the Enterprise(s)
342 scheme to have her maliciously prosecuted.

343 g.October 25, 2021, JSC Catherine Nugent-Panepinto
344 uploaded a decision to NYSECF stating the
345 Plaintiff's claims were meritless. This
346 misrepresentation by Panepinto was intended to
347 defraud the Plaintiff and cost the Plaintiff over
348 \$400 in court filing fees that the Sup. Ct. has
349 refused to give back after ordered by the
350 Appellate Division. This action ultimately led to
351 a 3-year egregious, defamatory campaign against
352 the Plaintiff and the order was reversed by the
353 Fourth Department.

354 h.March 17, 2022, an unknown agent of BUFFALO known
355 only as "JC" made written communication in eTrack
356 LC that "Plaintiff & Defendant were thrown out of
357 Judge Wolfgang's courtroom and were in an
358 altercation with each other and they were
359 escorted out of the building". This statement is
360 inaccurate and is providing a false narrative to
361 further the conspiracy and scheme against the
362 Plaintiff. The Plaintiff was escorted to her
363 vehicle 2 blocks away by an officer of the court
364 due to MEADOWS assaulting the Plaintiff in front
365 of magistrate Wolfgang. The Plaintiff tried to
366 file a report and was denied. Plaintiff had a
367 valid order of protection.

368 i.May 20, 2022, JSC Donna Siwek uploaded a
369 supplemental decision and order to NYSCEF stating

the Plaintiff was not familiar with the CPLR, therefore could not have equal access to the courts. Plaintiff asserts this was abuse of power to cover-up her crimes of denying the Plaintiff due process and to further the scheme and conspiracy against her. This decision was misleading and meant to defraud Plaintiff out of court filing fees.

Each of the foregoing transmission listed above constituted the transmittal by means of wire communication in interstate commerce of signals, sounds or writings for the purpose of executing or attempting to execute the predicate acts or the scheme to defraud described herein, and within the Plaintiff's second amended complaint and timeline.

In sending the foregoing transmissions, the RICO Defendants sought to deceive and defraud the respective recipients, including journalists, reporters, media contacts, law enforcement officials, and the general public, and intended for the respective recipients to rely on their false, misleading, and/or fraudulent misrepresentations.

Regarding the false and fraudulent transmissions, the RICO Defendants intended to deceive the general public, journalists, reporters, and/or media so that they would publish false, defamatory, and inaccurate

articles, stories, and/or new pieces about the Plaintiff.

Regarding the false and fraudulent transmissions sent to law enforcement officials, the RICO Defendants intended to deceive the law enforcement officials to provoke them into launching one or more investigation(s) into Plaintiff. The officials did in fact rely upon the RICO Defendants' fraudulent misrepresentations in launching one or more investigation(s) into Plaintiff.

The violations were willful and intentional, thereby warranting an award of punitive damages under 18 U.S.C. § 2707(c).

The Plaintiff was aggrieved as a direct and proximate result of the Defendants actions, and was caused to suffer significant damage, entitling him to an award for monetary relief under 18 U.S.C. § 2707(c).

The Plaintiff also seeks an award for any attorneys' fees and costs as permitted pursuant to 18 U.S.C. § 2707(c).

RICO COUNT II

18 U.S.C. § 1503

Influencing or Injuring Officer or Juror Generally

Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede any grand or petit juror, or officer in or of any court of the United

423 States, or officer who may be serving at any
424 examination or other proceeding before any United
425 States magistrate judge or other committing magistrate,
426 in the discharge of his duty,....or corruptly or by
427 threats or force, or by any threatening letter or
428 communication, influences, obstructs, or impedes, or
429 endeavors to influence, obstruct, or impede, the due
430 administration of justice, shall be punished under this
431 title in subsection (b).

432 The RICO Defendants, through and using the
433 Enterprise(s) and association in-fact, engaged in, and
434 continues to engage in, a coordinated effort to destroy
435 the Plaintiff's professional career, impede her ability
436 to access equal protection of the laws and access to
437 the courts, and deprive her of life, liberty, and
438 property. These coordinated efforts amount to a set of
439 related predicate acts with similar purposes, results,
440 and methods, which included acts in violation of 18
441 U.S.C. § 1503.

442 May 23, 2020, MEADOWS used her affiliation with
443 BASKIN to influence DIXON'S decision to arrest the
444 Plaintiff.

445 November 21, 2021, MEADOWS used her affiliation
446 with BASKIN during trial to influence JSC Mark
447 Grisanti's decision on an easement and recording
448 privileges.

449 MEADOWS again used her affiliation with BASKIN in

450 Buffalo City Small Claims Court attempting to influence
451 the courts to rule against the Plaintiff.

452 Plaintiff asserts BASKIN abused her position to
453 influence ECKERT being falsely arrested on May 23,
454 2020.

455 Plaintiff asserts BROWN abused his position and
456 influenced JSC Mark Grisanti to violate Plaintiff's
457 First Amendment right. Grisanti ordered Plaintiff to
458 immediately stop posting to FaceBook regarding public
459 corruption. *Carolette Meadows v. Rachel Eckert*, Index
460 No. 805300/2020 (MG) June 05, 2020.

461 Plaintiff made several complaints regarding BROWN
462 on FaceBook, where BROWN and BASKIN blocked ECKERT from
463 posting to their governmental page(s) to avoid
464 criticism. BROWN then blocked ECKERT'S family members
465 from posting to his page and then made the public
466 governmental page private so nobody could leave reviews
467 or make public posts. BASKIN then made her governmental
468 page private so no private citizen can leave a
469 complaint or a review. The Plaintiff has a right to
470 freedom of speech which is guaranteed protection by the
471 United States Constitution.

472 Plaintiff asserts BROWN unlawfully influenced JSC
473 Mark Grisanti to deprive Plaintiff of her property
474 rights and freedom of speech and expression, guaranteed
475 by the United States Constitution.

476 The Plaintiff was injured as a direct and proximate
477 result of the Enterprise(s) scheme to influence
478 judicial officers. The Plaintiff's property has been
479 subjected to degradation leading to a decrease in the
480 property's value.

481 The violations were willful and intentional,
482 thereby warranting an award of punitive damages under
483 18 U.S.C. § 2707(c).

484 The Plaintiff was aggrieved as a direct and
485 proximate result of the Defendants actions, and was
486 caused to suffer significant damage, entitling him to
487 an award for monetary relief under 18 U.S.C. § 2707(c).

488 The Plaintiff also seeks an award for any
489 attorneys' fees and costs as permitted pursuant to 18
490 U.S.C. § 2707(c).

491 **RICO COUNT IV**

492 **18 U.S.C. § 1505**

493 **Obstruction of Proceedings Before Departments,**
494 **Agencies, and Committees**

495 Whoever corruptly, or by threats or force, or by
496 any threatening letter or communication influences,
497 obstructs, or impedes or endeavors to influence,
498 obstruct, or impede the due and proper administration
499 of the law under which any pending proceeding is being
500 had before any department or agency of the United
501 States, or the due and proper exercise of the power of
502 inquiry under which any inquiry or investigation is

503 being had by either House, or any committee of either
504 House or any joint committee of Congress, shall be
505 fined under this title.

506 The RICO Defendants, through and using the
507 Enterprise(s) and association in-fact, engaged in, and
508 continues to engage in, a coordinated effort to destroy
509 the Plaintiff's professional career, impede her ability
510 to access equal protection of the laws and access to
511 the courts, and deprive her of life, liberty, and
512 property. These coordinated efforts amount to a set of
513 related predicate acts with similar purposes, results,
514 and methods, which included acts in violation of 18
515 U.S.C. § 1505.

516 On one or more occasions, RICO Defendant MEADOWS,
517 knowingly and deliberately made false statements to law
518 enforcement officials, with the intention of
519 obstructing, impeding, influencing and/or impairing
520 their investigations into her own crimes, and/or
521 conspired with others to carry out these acts.

522 On May 23, 2020, MEADOWS made false statements to
523 DIXON and provided misleading records to several
524 officers within the Buffalo Police Department,
525 including an outdated survey, to create a false
526 narrative of ECKERT assaulting MEADOWS.

527 Late May, early June of 2020, ECKERT filed a
528 complaint with FARLEY regarding DIXON'S behavior and
529 discriminatory practices. FARLEY gave ECKERT the run-

530 around for over a year before closing her complaint
531 claiming DIXON did nothing wrong. It has now been
532 discovered DIXON did not follow the BPD Manual &
533 Procedures and did not follow the AXON Body Worn Camera
534 Policy, both of which caused direct and proximate
535 injury to ECKERT.

536 July of 2020, Erie County District Attorney Milton
537 Gordon sought DIXON'S AXON body camera footage from
538 RINALDO. RINALDO would not turn over the evidence,
539 impeding the investigation.

540 November 21, 2020, FLYNN sought DIXON'S AXON body
541 camera data from RINALDO. RINALDO did not comply, again
542 impeding the investigation.

543 December 01, 2020, FLYNN sought DIXON'S AXON body
544 camera data from RINALDO. RINALDO did not comply,
545 impeding the investigation.

546 December 07, 2020, FLYNN sought DIXON'S AXON body
547 camera data. Again, RINALDO would not comply, impeding
548 the investigation.

549 On January 18, 2021, MEADOWS made false statements
550 to SALAZAR to create a false narrative of theft. ECKERT
551 was falsely arrested.

552 On September 20, 2021, MEADOWS made false
553 statements to DOE to create a false narrative of ECKERT
554 coughing on MEADOWS. ECKERT'S son called 911 as MEADOWS
555 was threatening ECKERT and ECKERT was falsely arrested.

556 Presumably, January 05, 2022, during a committee
557 meeting, WALDEN, without a vote from the board members,
558 dismissed the complaint ECKERT made to the Buffalo
559 Police Advisory Board. This complaint was being
560 investigated by the Board. Plaintiff asserts WALDEN
561 dismissed ECKERT'S complaint at the request of MEADOWS.
562 WALDEN did this knowingly to impede ECKERT'S rights and
563 the investigation.

564 The BCC failed to institute a policy that should be
565 followed in the event of a conflict of interest. The
566 BCC'S failure to create a conflicting policy led to the
567 Plaintiff sustaining further injuries.

568 The Plaintiff was injured as a direct and proximate
569 result of the Enterprise(s) scheme to obstruct
570 proceedings. The injuries include, but are not limited
571 to: personal injury, destruction of property,
572 defamation, false arrest, lost wages, lost revenue,
573 loss of business assets, loss of clients, loss of
574 reputation, etc.

575 The violations were willful and intentional,
576 thereby warranting an award of punitive damages under
577 18 U.S.C. § 2707(c).

578 The Plaintiff was aggrieved as a direct and
579 proximate result of the Defendants actions, and was
580 caused to suffer significant damage, entitling him to
581 an award for monetary relief under 18 U.S.C. § 2707(c).

582 The Plaintiff also seeks an award for any
583 attorneys' fees and costs as permitted pursuant to 18
584 U.S.C. § 2707(c).

585 **RICO COUNT V**

586 **18 U.S.C. § 1509**

587 **Obstruction of Court Orders**

588 The RICO Defendants, through and using the
589 Enterprise(s) and association in-fact, engaged in, and
590 continues to engage in, a coordinated effort to impede
591 the Plaintiff's ability to access equal protection of
592 the laws and deprive her of life, liberty, and
593 property. These coordinated efforts amount to a set of
594 related predicate acts with similar purposes, results,
595 and methods, which included acts in violation of 18
596 U.S.C. § 1509.

597 October 15, 2020, Plaintiff was issued an order of
598 protection by Hon. Amy Martoche in Buffalo Criminal
599 Court.

600 October 25, 2020, SKRZYNSKI and COSTANTINO
601 responded to a call by the Plaintiff in which they
602 corruptly refused to enforce ECKERT'S order.

603 November 07, 2020, DOE corruptly refused to enforce
604 Plaintiff's order of protection.

605 November 08, 2020, DOE'S corruptly refused to
606 enforce Plaintiff's order of protection.

607 December 10, 2020, SALAZAR corruptly refused to
608 enforce Plaintiff's order of protection.

609 December 15, 2020, DOE'S corruptly refused to
610 enforce Plaintiff's order of protection.

611 December 16, 2020, DOE corruptly refused to enforce
612 Plaintiff's order of protection.

613 December 18, 2020, MORROW stated the Buffalo Police
614 Department would not be upholding or enforcing the
615 order of protection unless Plaintiff was physically
616 assaulted.

617 December 27, 2020, DOE'S corruptly refused to
618 enforce Plaintiff's order of protection.

619 September 17, 2021, DOE corruptly refused to
620 enforce Plaintiff's order of protection.

621 September 19, 2021, DOE corruptly refused to
622 enforce Plaintiff's order of protection.

623 September 20, 2021, DOE corruptly refused to
624 enforce Plaintiff's order of protection.

625 September 23, 2021, DOE corruptly refused to
626 enforce Plaintiff's order of protection.

627 October 12, 2021, DOE corruptly refused to enforce
628 Plaintiff's order of protection.

629 November 15, 2021, DOE corruptly refused to enforce
630 Plaintiff's order of protection.

631 December 30, 2021, DOE'S corruptly refused to
632 enforce the Plaintiff's order of protection.

633 March 17, 2022, FLYNN and DOE corruptly refused to
634 enforce the Plaintiff's order of protection.

June 23, 2022, DOE corruptly refused to enforce Plaintiff's order of protection.

Each RICO Defendant named above failed to provide equal protection of the laws of the State of New York under an order of protection for the Plaintiff. This ultimately led to her being assaulted for a 3rd time by MEADOWS in May of 2022.

The Plaintiff was personally injured as a direct and proximate cause of the Enterprise(s) scheme to obstruct court orders. The Plaintiff also had private property destroyed by the Defendant's scheme to obstruct a court order.

The violations were willful and intentional, thereby warranting an award of punitive damages under 18 U.S.C. § 2707(c).

The Plaintiff was aggrieved as a direct and proximate result of the Defendants actions, and was caused to suffer significant damage, entitling him to an award for monetary relief under 18 U.S.C. § 2707(c).

The Plaintiff also seeks an award for any attorneys' fees and costs as permitted pursuant to 18 U.S.C. § 2707(c).

RICO COUNT VI

18 U.S.C. § 1512

Tampering with a Witness, Victim, or Informant

May 23, 2020, Defendant DIXON responded to a call at 277 Barnard St. for an assault. DIXON discriminated

662 against the Plaintiff, refused to take witness
663 statements from neighbors, threatened to taze a
664 neighbor for questioning the officer's decision to
665 ignore witness statements, called Plaintiff a liar, and
666 ultimately arrested the Plaintiff on false charges
667 which Plaintiff asserts was due to her color and
668 unlawful influence by BASKIN.

669 Plaintiff filed a discrimination complaint with
670 FARLEY and lodged a complaint against the officer's
671 behavior.

672 June 01, 2020, Plaintiff sent a Notice of Non-
673 Spoliation to preserve the AXON body camera data for
674 DIXON. This request was sent to JOYCE and LOCKWOOD, and
675 Timothy Ball as Corporate Counsel for the City of
676 Buffalo.

677 June 17, 2020, Plaintiff sent the above-mentioned
678 non-spoliation notice to RINALDO.

679 June 30, 2020, Plaintiff attempted to use NYS FOIL
680 to obtain the AXON data. Her request was not answered.
681 Plaintiff complained for two (2) months regarding her
682 FOIL requests being ignored.

683 On or around August 6, 2020, Plaintiff received a
684 response from RINALDO the video in question did not
685 exist. Plaintiff then requested DIXON'S P-1375 showing
686 why the camera was not on. Plaintiff's request was
687 ignored.

688 Sometime after this request, Plaintiff was told she
689 cannot have access to the AXON data because the
690 criminal investigation was still ongoing, and she'd
691 have to wait for closure.

692 August 12, 2022, Plaintiff made a new request for
693 DIXON'S AXON footage as she was cleared from all
694 charges. Plaintiff received a generic message the city
695 received her request. She did not get an answer
696 proscribed by law.

697 October 19, 2022, Plaintiff followed up with
698 Michelle Long in the FOIL division. Ms. Long responded
699 there was footage available, and Plaintiff would have
700 to pay \$43.00.

701 March 31, 2023, Plaintiff brought a \$43.00 money
702 order to police headquarters and was given a disk
703 purported to be the footage from DIXON on the night in
704 question of May 23, 2020. Instead, the disk contained a
705 3-minute snippet of the incident with DIXON threatening
706 a bystander. Plaintiff lodged a complaint with FOIL
707 officer Michelle Long.

708 April 04, 2023, Ms. Long responded that Plaintiff
709 could take the missing footage up with appeals. The
710 plaintiff requested a refund of the \$43.00 and Ms. Long
711 ignored her request.

712 Plaintiff was forced to get a federal subpoena
713 which was served on Police Headquarters and scheduled
714 for May 15, 2023, directed to Michelle Long.

715 May 15, 2023, Michelle Long was nowhere to be found
716 and Plaintiff was again denied the AXON footage in
717 possession of the City of Buffalo. Later in the day,
718 Plaintiff received a call from Lt. Safransky, the new
719 FOIL and Discovery officer who claimed the video did
720 not exist and said he'd send the Plaintiff the audit
721 log for DIXON'S AXON camera. Lt. Safransky assured the
722 Plaintiff that videos could not be deleted outside of
723 policy.

724 June 09, 2023, Plaintiff received the audit log for
725 DIXON. The log shows DIXON was recording the incident.
726 Plaintiff questioned Lt. Safransky about the videos and
727 was told "he did not know". ECKERT is now waiting for
728 an audit trail on who deleted the videos.

729 The Plaintiff avers DIXON destroyed the evidence
730 from his AXON body camera from the night of May 23,
731 2020. Plaintiff has brought a separate motion for
732 sanctions due to the Defendants actions. This video
733 footage contained evidence of a scheme by DIXON,
734 BASKIN, and MEADOWS to unlawfully discriminate against
735 Plaintiff and have her unlawfully arrested. Plaintiff
736 asserts MEADOWS dropped BASKIN'S name to DIXON and
737 believes this is one of several reasons the video was
738 destroyed.

739 The Plaintiff asserts FARLEY further perpetuated
740 the fraudulent scheme when he cleared DIXON of any
741 wrongdoing despite the fact DIXON did not adhere to the

AXON body camera policy implemented by the City of Buffalo Police Department. Plaintiff asserts this was in retaliation for her legal and lawful complaints and for exercising her rights under the Constitution of the United States.

The Plaintiff was injured due to the direct and proximate cause of the Enterprise(s) tampering with witnesses and evidence. These injuries include but are not limited to severe emotional and mental stress, defamation, false arrest, and malicious prosecution.

The violations were willful and intentional, thereby warranting an award of punitive damages under 18 U.S.C. § 2707(c).

The Plaintiff was aggrieved as a direct and proximate result of the Defendants actions, and was caused to suffer significant damage, entitling him to an award for monetary relief under 18 U.S.C. § 2707(c).

The Plaintiff also seeks an award for any attorneys' fees and costs as permitted pursuant to 18 U.S.C. § 2707(c).

RICO COUNT VII

18 U.S.C. § 1512

Obstruction by Destruction of Evidence

Whoever corruptly alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object's integrity, or availability for use in an

769 official proceeding, or otherwise obstructs,
770 influences, or impedes an official proceeding, or
771 attempts to do so shall be fined under this title.

772 Plaintiff repeats, reiterates, and realleges all
773 prior factual allegation plead under RICO COUNT VI and
774 reincorporates it herein as if fully stated.

775 The violations were willful and intentional,
776 thereby warranting an award of punitive damages under
777 18 U.S.C. § 2707(c).

778 The Plaintiff was aggrieved as a direct and
779 proximate result of the Defendants actions, and was
780 caused to suffer significant damage, entitling him to
781 an award for monetary relief under 18 U.S.C. § 2707(c).

782 The Plaintiff also seeks an award for any
783 attorneys' fees and costs as permitted pursuant to 18
784 U.S.C. § 2707(c).

785 **RICO COUNT VII**

786 **18 U.S.C. § 1951**

787 **Obstruction by Extortion Under Color of Official Right**

788 After being alerted to CO2 poisoning, BIFARO was
789 assigned to inspect ECKERT'S furnace installation by
790 CURTAIN.

791 April 20, 2020, BIFARO cleared ECKERT'S furnace
792 installation and deemed it to be installed up to code.

793 May 12, 2020, BIFARO contacted ECKERT and Nicholas
794 Speck on a three-way call. BIFARO told ECKERT she had
795 to relocate the flue pipe that exhausts her home. Mr.

796 Speck questioned BIFARO on why it needed to be
797 relocated when it passed inspection. BIFARO stated
798 "because the neighbor (MEADOWS) is complaining about
799 it". Plaintiff advised BIFARO that she would not
800 relocate the pipe without a valid court order. BIFARO
801 then stated "either you relocate the pipe to the back
802 of the house or I will take you to court and have you
803 fined for not having a permit". BIFARO then began
804 threatening Plaintiff's HVAC installer with fines for
805 not being licensed in the City of Buffalo if he did not
806 relocate the Plaintiff's pipe.

807 The Plaintiff was injured as a direct and proximate
808 result of BIFARO'S extortion. This includes Plaintiff's
809 right to property guaranteed by the Constitution and
810 loss of future business contracts.

811 The violations were willful and intentional,
812 thereby warranting an award of punitive damages under
813 18 U.S.C. § 2707(c).

814 The Plaintiff was aggrieved as a direct and
815 proximate result of the Defendants actions, and was
816 caused to suffer significant damage, entitling him to
817 an award for monetary relief under 18 U.S.C. § 2707(c).

818 The Plaintiff also seeks an award for any
819 attorneys' fees and costs as permitted pursuant to 18
820 U.S.C. § 2707(c).

821 **RICO COUNT VIII**

822 **18 U.S.C. § 1951**

The Hobbs Act

Plaintiff alleges the following Defendants' violated, attempted to violate, and/or conspired to violate The Hobbs Act: BASKIN, BCC, ERIE, MEADOWS, NEW YORK, & WALDEN.

Plaintiff alleges members of the State of New York Enterprise had a duty to act impartially towards the Plaintiff, to uphold the integrity and independence of the judiciary, to avoid impropriety and the appearance of impropriety in all their activities, and to conduct their extra-judicial activities as to minimize the risk of conflict with judicial obligations.

In this case, the Plaintiff, RACHEL ECKERT, is the victim. The victim sustained irreparable injury to her personal and professional reputation and right to derive income from her business by way of robbery. The victim regularly engages in interstate commerce. This unlawful robbery resulted in the victim's business having to temporarily cease operations, it depleted some of the assets available to the victim's business, and the victim is weighing a permanent closure due to the irreparable damage.

A conspiracy to violate The Hobbs Act may be used as a predicate racketeering act under subdivision B. Conspiracy is a crime. The Hobbs Act is codified as 18 U.S.C. § 1951 and prohibits actual or attempted robbery

849 or extortion that affects intrastate or foreign
850 commerce.

851 June 01, 2021, the victim filed a defamation claim
852 for relief in Erie Co. Sup. Ct. The suit was assigned
853 to JSC Jeannette Ogden, MEADOWS cousin.

854 October 06, 2021, Ogden recused herself from
855 the claim and the case was reassigned to JSC Catherine
856 Nugent-Panepinto.

857 October 25, 2021, Panepinto deemed the victim's
858 complaint as "meritless" and disposed of her entire
859 case.

860 November 05, 2021, the victim filed a Motion for
861 Reconsideration and Recusal.

862 November 09, 2021, Panepinto recused herself for
863 **"having personal knowledge of the disputed evidentiary**
864 **facts"**.

865 On or around November 10, 2021, JSC Grisanti had
866 his Law clerk, Douglas Curella, contact the victim and
867 ask if another judge told her the complaint was
868 "meritless" if she would drop it. The victim refused as
869 she had already paid a lawyer to review her complaint
870 and it had merit. The Fourth Dept. affirmed.

871 Due to a depletion in assets from MEADOWS
872 egregious, defamatory campaign, the victim had no other
873 option but to file a new tort against MEADOWS, filed
874 May 09, 2022.

875 May 11, 2022, JSC Donna Siwek denied the victim's

876 right to access the courts and interfered with her
877 requested relief to end an unlawful taking of her
878 property. Siwek disposed of the victim's tort case
879 without legitimate cause.

880 July 07, 2022, the victim made a Motion to Settle
881 the Record on Appeal (Index No. 808096/2021, appealed
882 as CA 22-00614) to Panepinto, as advised by chambers.

883 July 26, 2022, Grisanti had Jason DiPasquale, esq
884 contact the victim about the Motion on July 07.
885 Ultimately, Grisanti said to refile the Motion and make
886 it out to him. Plaintiff did as told and filed an
887 expedited Motion July 29, 2022.

888 August 02, 2022, MEADOWS had ex-parte communication
889 with Grisanti misrepresenting the status of ECKERT'S
890 appeal. Grisanti ultimately marked the victim's motion
891 off the calendar.

892 August 08, 2022, the victim contacted Grisanti's
893 new law clerk, Brigitte Roestel regarding her motion
894 still pending. Ms. Roestel told the victim Grisanti did
895 not advise Jason to tell her to make the motion to him
896 (even though he was the assigned judge). After much
897 back and forth, Grisanti agreed to settle the record on
898 September 02, 2022.

899 August 09, 2022, Siwek recused herself from the
900 victim's suit due to being named in this action. The
901 victim's suit was restored to the calendar, but only
902 after being forced to pay \$250.00 for a certificate of

merit.

August 17, 2022, the victim noticed her motion to settle the record was marked off Grisanti's calendar. The victim spoke with Kelly Vacco from Grisanti's chambers who told her the Appellate Court denied her appeal, so Grisanti no longer had to settle the record. Plaintiff tried advising Ms. Vacco her appeal was still active and they were relying on erroneous ex-parte communication. Ms. Vacco got irate with the victim's contention and abrasively told her to take it up with the Appellate Court because her case was dismissed and Grisanti wasn't hearing the motions.

August 18, 2022, the victim filed a Motion to Recuse Grisanti for obstruction and interfering with her appeal rights. Ms. Roestel emailed the victim cc'ing Ms. Vacco and Lisa Smith stating the victim's case is done and they won't be ruling on any motions. The victim then threatened to file a motion to compel to settle the record with the Fourth Dept. Grisanti finally agreed to put the motion back on the calendar for September 02.

January 11, 2023, Ogden sat on the victim's appeal. Plaintiff asserts this was to further intimidate the victim, an attempt to compromise the appeal, and to further harass the victim for her participation in her free speech and expression.

May 05, 2023, the Fourth Dept. affirmed Panepinto

930 abused her discretion and cited the victim's complaint
931 had arguable merit.

932 Plaintiff asserts there was a conspiracy between
933 BASKIN, BROWN, MEADOWS, and the NEW YORK Enterprise
934 through its officers Grisanti, Ogden, Panepinto, and
935 Siwek to deprive Plaintiff of her right to produce
936 income, violate Plaintiff's right to due process, to
937 harass and terrorize Plaintiff through fear of economic
938 loss, to allow the continuance of unlawful libel and
939 slander against the Plaintiff, and distribution of
940 false and misleading information to Plaintiff's clients
941 causing irreparable harm to the Plaintiff's business
942 with the goal of destroying it. This conduct obstructed
943 and affected interstate commerce for a period of three
944 (3) years.

945 The Plaintiff was injured as a direct and proximate
946 cause of the Enterprise(s) scheme to violate the Hobbs
947 Act. Plaintiff asserts RICO Defendants BASKIN, BROWN,
948 and MEADOWS, along with employees of the NEW YORK
949 Enterprise, Grisanti, Ogden, Panepinto, and Siwek
950 unlawfully robbed Plaintiff of business assets,
951 revenues, and a good reputation by depriving Plaintiff
952 fair and equal access to the courts; retaliating
953 against her complaints for her legal and lawful
954 complaints to the Commission.

955 The violations were willful and intentional,
956 thereby warranting an award of punitive damages under
957 18 U.S.C. § 2707(c).

958 The Plaintiff was aggrieved as a direct and
959 proximate result of the Defendants actions, and was
960 caused to suffer significant damage, entitling him to
961 an award for monetary relief under 18 U.S.C. § 2707(c).

962 The Plaintiff also seeks an award for any
963 attorneys' fees and costs as permitted pursuant to 18
964 U.S.C. § 2707(c).

965 **Timeliness of Claims**

966 Despite her exercise of reasonable diligence,
967 Plaintiff was unable to discover her injury and/or the
968 fact that it was caused by a RICO violation(s) until
969 May 11, 2022, at the earliest, when JSC Donna Siwek
970 became the third judge to violate the Plaintiff's right
971 to due process and equal protection of the law.

972 **CONCLUSION**

973 **WHEREFORE**, the Plaintiff, Rachel Eckert,
974 respectfully requests that this Court enter a judgment
975 for Rachel Eckert and against the Defendants, for
976 compensatory damages, punitive damages, costs,
977 attorneys' fees, and such further and other relief as
978 this Court may deem just and proper.

979 Dated: July 18, 2023

Rachel Eckert, pro-se
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